

# EXHIBIT D

**NORTH CAROLINA**

**IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION**

**WAKE COUNTY**

**05 CVS 173**

2007 JAN 12 P 3:53

RICHARD P. NORDAN, as Ancillary )  
Administrator for the separate Estates of )  
STEPHEN S. HELVENSTON, MIKE R. )  
TEAGUE, JERKO GERALD ZOVKO and )  
WESLEY J. K. BATALONA, )

Plaintiff, )

v. )

BLACKWATER SECURITY )  
CONSULTING, LLC, BLACKWATER )  
LODGE AND TRAINING CENTER, INC., )  
and JUSTIN L. McQUOWN, )

Defendants. )

**NOTICE OF APPEAL**

Pursuant to N.C. Gen. Stat. §§ 7A-27(d) and 1-277(a), and Rule 3 of the North Carolina Rules of Appellate Procedure, Defendants Blackwater Security Consulting, LLC, and Blackwater Lodge and Training Center, Inc. ("Blackwater"), hereby give notice of appeal to the Court of Appeals from the Order for Commission to Take Deposition entered in this matter on December 15, 2006, and from the Order Upon Reconsideration entered in this matter on January 4, 2007, which affect substantial rights of Blackwater including federally protected immunity from suit and arbitration rights.

This the 12th day of January, 2007.

SMITH, ANDERSON, BLOUNT, DORSETT,  
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By: 

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Attorneys for Blackwater Security Consulting, LLC  
and Blackwater Lodge and Training Center, Inc.

**CERTIFICATE OF SERVICE**

This is to certify that the undersigned has this date served the foregoing **NOTICE OF APPEAL** in the above-entitled action upon all other parties to this cause by U.S. Mail, addressed to the following parties:


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This the 12th day of January, 2007.

  
Kirk G. Warner